IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 687 of 1999
In
SPECIAL CIVIL APPLICATION No. 3418 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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J L RAJYAGURU & 12 - Appellant(s)

Versus

JUNAGADH REGIONAL OILSEEDS GROWERS CO-OP UNION LTD & 2 - Defendant(s)

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Appearance :
MR MUKUL SINHA for Petitioner No(s).: 1,2,3,4,5, 6,7,8,9,10,11,12,13.
NANAVATI ASSOCIATES for Respondent No(s).: 1.
MR HEMANT PRACHCHHAK, AGP for Respondent No(s).: 2,3.
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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date : 20/07/2005

COMMON ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1.The appellants-petitioners had filed Special Civil Application No. 3418 of 1995, making a prayer that the action of the establishment i.e., the respondent no.1 be held to be bad as the same violated Section 25N of the Industrial Disputes Act, 1947. On an earlier occasion, the petitioners had come to this Court and this Court had issued a direction to the State Government to decide the question whether the respondent works round the year or was a seasonal industry. The State Government, after hearing the parties, had decided that the respondent-establishment works round the year. Thereafter, a notice was again issued to the petitioners under Section 25N of the Act. Being aggrieved by the said letter, dated 19.11.1994, the petitioners had come to this Court. The High Court had already observed in the decision in Special Civil Application that the respondent no.1 is not a seasonable industry, who works round the year, the allegations made by the petitioners have not been controverted by the respondent no.1 and the action proposed under Section 25N is bad. Virtually, fullest relief was given in favour of the petitioners. The petitioners, however, submitted to the Court that

despite interim orders, wages were not paid to the petitioners, therefore this Court should issue some directions. Disposing of the Special Civil Application, the learned Single Judge observed that the petitioners would be entitled to make a representation to the establishment for redressal of their grievances, the petitioners accordingly made a representation, but simultaneously challenged the order passed by the learned Single Judge.

2. Learned counsel for the appellants, in support of the appeal submits that as the relief of the reinstatement was not granted in favour of the appellants, this appeal had been filed. We are unable to concede to this argument. Once an action proposed under Section 25N is held to be invalid, the consequences are to follow immediately. It is also to be seen that during pendency of this appeal, respondent no.1 has been taken in liquidation and under the provisions of the Cooperative Societies Act, a Liquidator has been appointed, the said Liquidator has already observed that the petitioners would be on the rolls of the establishment up to the date of the liquidation. If that be so, the Liquidator, by his letter has already informed the petitioners that they were to continue as the

workmen/employees of the respondent no.1 up to the date of the liquidation. Nothing further is required to be done in the matter. The appeal is disposed of. Civil Application No.4527 of 1999 is consequently disposed of.

[R.S. GARG, J.]

[RAVI R. TRIPATHI, J.]

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